

PATENT
Attorney Docket No. 112171-001.C1
(Previously TARINFO.015C1)

REMARKS

By the foregoing amendments claims 1, 4, and 11 have been amended and new claims 12-20 have been added. Reconsideration and further examination is requested in view of the foregoing amendments and the following remarks. Claims 1-20 are pending in the application.

DOUBLE PATENTING

In the Office Action all of the claims were rejected under non-statutory double patenting in view of U.S. Patent Nos. 6,748,426 (the parent to this application), 5,901,214 and 16 other patents and applications. Though Applicant disagrees with the rejection, in order to move the application forward, Applicant submits herewith a terminal disclaimer in view of U.S. Patent No. 6,748,426.

Applicant respectfully submits that the double patenting rejection in view of the other patents and applications is inappropriate. In addition, in view of the amendments made to independent claim 1, the double patenting rejection should be withdrawn.

REJECTIONS UNDER SECTION 102

In the Office Action claims 1, 2, 5 8-10 were rejected under 35 U.S.C. §102(e) as being anticipated by Merriman (U.S. Patent No. 5, 948,061). Applicant respectfully submits that amended claim 1 and each of the other rejected claims which depend therefrom are allowable over Merriman.

Merriman is directed to a system where the consumer data is not transmitted to the first server (e.g., the merchant server). Additionally, in Merriman the Advertiser's Web Site 18 and

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Affiliate Web Site 12 each communicate to and from the User's Browser 16 (see, e.g., Merriman's Fig. 1). In contrast, pending independent claim 1 (and also new independent claims 12 and 19) are directed to systems and methods wherein consumer-related data is obtained and transmitted to a first (e.g., merchant) server. Applicant's claimed systems and methods, by providing the consumer information to the first server, allow the server to customize the experience and interaction with that server based upon the received data. Also note that unlike Merriman, the second server need not communicate to and from the user's browser.

Furthermore, Merriman describes taking a consumer identifier directly from a cookie stored in the consumer's computer and using it to access data (see column 5, lines 19-20). In contrast, Applicant's pending independent claims convert the consumer identifier into a linkage key. The linkage key is then used to access a linkage key database which comprises consumer data indexed by the linkage key. Examples of linkage keys and translation are described at pages 8-16 of this application. One advantage of a linkage key is that it facilitates linking to third party databases. No such translation of the consumer identifier to a linkage key is described in the cited references.

In view of the foregoing, applicant respectfully submits that the rejection under Section 102 in view of Merriman has been overcome and should be withdrawn.

REJECTIONS UNDER SECTION 103

In the Office Action claims 3, 4, 6, 7 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Merriman in view of U.S. Patent No. 5,901,214. Applicant respectfully submits that each of the foregoing arguments with respect to independent claim 1 apply with

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equal force to the claims rejected under §103. None of the other references overcomes the noted shortcomings of Merriman.

FURTHER REJECTION UNDER SECTION 102

In the Office Action all of the pending claims were summarily rejected as being anticipated by Kuznetsov (U.S. Patent No. 6,021,406) and Neville (U.S. Patent No. RE36,111). Applicant respectfully requests withdrawal of these rejections.

Neither of the references anticipates system of amended claim 1. For example, neither reference teaches or describes the claimed system including, inter alia, "retrieving a consumer identifier stored on the consumer device."

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CONCLUSION

The Applicant has endeavored to address all of the Examiner's concerns as expressed in the outstanding Office Action. Accordingly, amendments to the claims, the reasons therefor, and arguments in support of the patentability of the pending claim set are presented above. The claim amendments which are not specifically discussed in the above remarks are made in order to improve the clarity of claim language and to otherwise improve the capacity of the claims to particularly and distinctly point out the invention to those of skill in the art. In light of the above amendments and remarks, reconsideration and withdrawal of the outstanding rejections is specifically requested.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to initiate the same with the undersigned.

Respectfully submitted,

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